

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 19TH JUNE 2007 / 29TH JYAISHTA 1929

Bail Appl..No. 3691 of 2007()

CRIME NO.86 OF 2007 OF THE PERAMBRA POLICE STATION
.....

: PETITIONER/ACCUSED

RAJESH P.K., S/O.HARIDASAN, AGED 35
YEARS, PARAMBATH KAVIL HOUSE, ARAKKINAR P.O.,
KOZHIKODE - 673 028.

BY ADV. SRI.P.N.RAVINDRAN
SMT.MEENA.A.

RESPONDENTS: COMPLAINANT & STATE

1. SUB INSPECTOR OF POLICE, PERAMBRA POLICE
STATION, PERAMBRA P.O., KOZHIKODE DISTRICT.
2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
COCHIN 682 031.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 19/06/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R.BASANT, J

B.A.No.3691 of 2007

Dated this the 19th day of June, 2007

ORDER

Application for anticipatory bail. The 1st petitioner is the husband of the defacto complainant. Some of the co-accused have been granted anticipatory bail by the learned Sessions Judge. Petitioner's prayer was turned down. Marriage took place in 2003. There is strain in the relationship between the spouses. They are residing separately. Wife so residing separately has filed a private complaint. That was referred to the police under Section 156(3) Cr.P.C. Investigation is in progress. Petitioner apprehends imminent arrest for the offence under Section 498 A I.P.C.

2. The learned counsel for the petitioner prays, the learned Public Prosecutor does not seriously oppose the said prayer and I am satisfied that direction under Section 438 Cr.P.C can be issued in favour of the petitioner. In coming to this conclusion, I take note of the fact that no serious injuries are suffered by the victim and the contention is that fanciful and exaggerated allegations are raised because of the strain in the matrimonial relationship. Appropriate conditions can be imposed in the interests of a fair, efficient and expeditious investigation.

3. In the result, this Bail Application is, allowed. The following directions are issued under Section 438 Cr.P.C.

i) The petitioner shall appear before the learned Magistrate having jurisdiction at 11 a.m on 26.06.2007. He shall be released on regular bail on his executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m and 4 p.m on 27.06.2007 and thereafter between 10 a.m and 12 noon on all Mondays and Fridays until further orders;

iii) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law as if those directions were not issued at all;

iv) If the petitioner were arrested prior to his surrender on 26.06.07 as directed in clause (1) above, he shall be released on his executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) without any sureties undertaking to appear before the learned Magistrate on 26.06.07.

(R.BASANT, JUDGE)

rtr/-

